DETAILED ACTION

1. This communication is in response to the Amendment filed 20 December 2007.

2. Claims 10, 14 and 31-36 are pending in the current application. Claims 1-9, 11-13 and 15-30 have been canceled. In the Amendment filed 20 December 2007, claims 10 and 34 are amended. This action is made Non-Final.

3. The rejections of claims 10, 14 and 31-36 as being unpatentable over US PGPub 2002/0175938 to Hackworth in view of US Patent No 6,430,611 to Kita et al have been withdrawn as necessitated by applicant's arguments and amendments.

Information Disclosure Statement

4. The information disclosure statements (IDS) submitted on 20 December 2007 and 10 January 2008 were filed after the mailing date of the Office Action on 17 September 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 10, 14 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 7,096,315 to Takeda et al (hereafter Takeda) in view of US PGPub 2002/0120672 to Butt et al (hereafter Butt) in view of US Patent No 7,139,811 to Lev Ran et al (hereafter Lev Ran).

Referring to claim 10, Takeda discloses an apparatus comprising:

a storage server having mass storage device [storage device 120] (see column 3, lines 7-16 and Fig 1);

a multi-appliance management application (MMA) to mange the storage server [management server 130] (see column 3, lines 7-16 and Fig 1);

wherein the MMA and storage server are separate devices (see Fig 1).

While Takeda discloses scanning the mass storage device to collect information about a file stored on the storage server, and to combine information collected into a summary of a directory in which the file is located (see column 3, lines 17-21 and column 5, lines 19-26), Takeda fails to explicitly disclose the further limitation of an agent coupled to the storage server and the MMA via the network, wherein the agent, MMA, and the storage server are separate devices and wherein the agent uses a file

system different from any file system that the storage server uses. Butt discloses a file system (see abstract), including the further limitation of an agent coupled to the storage server and the MMA via the network, wherein the agent, MMA, and the storage server are separate devices [discovering remote agents] (see [0016]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the remote agents disclosed by Butt to perform the scanning of Takeda. One would have been motivated to do so in order to increase the efficiency of the system by providing the functionality of discovering and collecting information from different types of networked computers and transferring files to and from remote systems (Butt: see [0003]).

The combination of Takeda and Butt (hereafter Takeda/Butt) fails to explicitly disclose the further limitation of wherein the agent uses a file system different from any file system that the storage server uses. Lev Ran discloses the access of data resources (see abstract), including the further limitation of wherein the agent uses a file system different from any file system that the storage server uses (see column 19, lines 52-67 and column 21, lines 6-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the functionality of different file systems to the agent of Takeda/Butt. One would have been motivated to do so in order to increase the flexibility of the system when operating in a diverse environment.

Referring to claim 14, the combination of Takeda/Butt and Lev Ran (hereafter Takeda/Butt/Lev) discloses the apparatus of claim 10, further comprising a graphical user interface (GUI) coupled to the MMA (Takeda: see column 3, lines 56-64).

Referring to claim 31, Takeda/Butt/Lev discloses the apparatus of claim 14, further comprising a database [performance information repository 103] coupled to the MMA, the database to store the summary (Takeda: see Fig 1).

Referring to claim 32, Takeda/Butt/Lev discloses the apparatus of claim 31, wherein the summary can be retrieved via the GUI (Takeda: see column 3, lines 56-64).

Referring to claim 33, Takeda/Butt/Lev discloses the apparatus of claim 10, wherein the agent uses a Common Internet File System (CIFS) or a Network File System (NFS) (Lev Ran: see column 18, lines 41-54).

Referring to claim 34, Takeda discloses a method comprising:

a mass storage device [storage device 120] (see column 3, lines 7-16 and Fig 1);

a multi-appliance management application (MMA) to mange the storage server [management server 130] (see column 3, lines 7-16 and Fig 1);

wherein the MMA and storage server are separate devices (see Fig 1).

While Takeda discloses scanning the mass storage device to collect information about a file stored on the storage server, and to combine information collected into a summary of a directory in which the file is located (see column 3, lines 17-21 and column 5, lines 19-26), Takeda fails to explicitly disclose the further limitation of an agent coupled to the storage server and the MMA via the network, wherein the agent, MMA, and the storage server are separate devices and wherein the agent uses a file

system different from any file system that the storage server uses. Butt discloses a file system (see abstract), including the further limitation of an agent coupled to the storage server and the MMA via the network, wherein the agent, MMA, and the storage server are separate devices [discovering remote agents] (see [0016]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the remote agents disclosed by Butt to perform the scanning of Takeda. One would have been motivated to do so in order to increase the efficiency of the system by providing the functionality of discovering and collecting information from different types of networked computers and transferring files to and from remote systems (Butt: see [0003]).

The combination of Takeda and Butt (hereafter Takeda/Butt) fails to explicitly disclose the further limitation of wherein the agent uses a file system different from any file system that the storage server uses. Lev Ran discloses the access of data resources (see abstract), including the further limitation of wherein the agent uses a file system different from any file system that the storage server uses (see column 19, lines 52-67 and column 21, lines 6-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the functionality of different file systems to the agent of Takeda/Butt. One would have been motivated to do so in order to increase the flexibility of the system when operating in a diverse environment.

Referring to claim 35, Takeda/Butt/Lev discloses the method of claim 34, wherein the MMA sends the summary to a database server, which stores the summary as a table [table] or histogram (Takeda: see column 5, lines 1-14).

Referring to claim 36, Takeda/Butt/Lev discloses the method of claim 34, wherein the agent device uses a Common Internet File System (CIFS) or a Network File System (NFS) (Lev Ran: see column 18, lines 41-54).

Response to Arguments

6. Applicant's arguments with respect to claims 10, 14 and 31-36 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY LOVEL whose telephone number is (571)272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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